



Janice K. Brewer
Governor

State Of Arizona Board of Podiatry Examiners
"Protecting the Public's Health"

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Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

BOARD MEETING MINUTES

September 10, 2014; 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Board Members: Barbara Campbell, D.P.M, President
Barry Kaplan, D.P.M., Member
Joseph Leonetti, D.P.M., Member
John Rhodes, Secretary-Treasurer
M. Elizabeth Miles, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: John Tellier

The agenda items were not reviewed in the order in which they appear in the minutes.

I. Call to Order

The meeting was called to order at 8:34 a.m.

II. Roll Call

All Board members were present as well as Ms. Penttinen and Mr. Tellier.

III. Approval of Minutes

- a. August 13, 2014 Regular Session Minutes.
- b. August 13, 2014 Executive Session Minutes.

Review of these two agenda items was postponed because the Board members had not received the minutes prior to the meeting for review. Review of these minutes was tabled until the next regularly scheduled Board meeting.

IV. Review, Discussion and Possible Action –Review of Complaints (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)

a. 12-07-C – Joseph Dobrusin, DPM: Improper surgical correction of left 1st toe bunion.

Dr. Dobrusin was present with attorney Elizabeth Peterson. Dr. Dedrie Polakof was the investigator for the case and was present.

MOTION: Dr. Campbell moved to dismiss this case finding no violations. Dr. Kaplan seconded the motion.

DISCUSSION: Dr. Leonetti stated he felt a Letter of Concern would be more appropriate due to lack of documentation to justify the number of x-rays that were taken. Ms. Miles stated she agreed. The motion was withdrawn.

MOTION: Dr. Leonetti moved to dismiss this case with a Letter of Concern due to lack of documentation to justify the number of x-rays taken. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

- b. **12-12-B – Mary Peters, DPM: Failure to report to the Board any information that appears to show that a podiatrist is or may be guilty of unprofessional conduct or is or may be guilty of practice without regard for the safety and welfare of the public.**

Dr. Peters was not present. Dr. Jerome Cohn was the investigator for the case and was present.

MOTION: Dr. Leonetti moved to dismiss the case finding no violations. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

- c. **14-25-B – Kelvin Crezee, DPM: Violating any formal order, probation or stipulation issued by the Board.**

Dr. Crezee was present with attorney Bruce Crawford. Ms. Penttinen was the investigator for the case.

MOTION: Dr. Campbell moved to go into Executive Session for the purpose of obtaining legal advice. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 9:56 a.m.

The Board returned to Regular Session at 9:56 a.m.

MOTION: Ms. Miles moved to offer Dr. Crezee a consent agreement for a Decree of Censure. The motion included the stipulation that Dr. Crezee has ten (10) calendar days to accept the agreement or the matter will be moved to formal hearing. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by roll call vote.

V. **Review, Discussion and Possible Action – Probation / Disciplinary Matters**

- a. **11-01-C – Kevin O'Brien, DPM: Request for CME approval.**

The Board is in receipt of a request from Dr. O'Brien for pre-approval of CME courses related to podiatric care. He also has requested approval of a recently completed course of record keeping and documentation. Each of these courses are to comply with the terms of his consent agreement.

MOTION: Dr. Leonetti moved to approve the two courses for which Dr. O'Brien requested pre-approval (Superbones and the Podiatry Institute Conference, but to deny the course already completed (CPEP). The motion includes pre-approving Dr. O'Brien to complete an additional 10 hours of CPEP. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

- b. **14-09-B – Janna Kroleski, DPM: Monthly update.**

Dr. Kroleski was present for a probation interview. The Board members reviewed copies of the prescriptions that were provided by Dr. Horvath, a progress report from Dr. Kroleski's pain management physician, and the certificate Dr. Kroleski submitted indicating she has completed the education requirement of her consent agreement. The letter from the pain management doctor referenced a report from another treating physician which was not attached. Ms. Penttinen will follow up to obtain that report.

Dr. Kroleski and the Board members discussed Dr. Kroleski's current health and employment status. There also was extensive discussion regarding the information Dr. Kroleski disclosed during her initial self-report, her investigational interview with Ms. Penttinen, and the information she stated to the Board when the initial complaint was reviewed by the Board versus what has now come to light as far as the number of prescriptions and amount of the medication she obtained as well as the reason(s) she was released from her previous employer. Dr. Kroleski stated she was still in a sort of denial at the time this

issue came to a head and had some confusion and/or was not able to remember certain details at that time.

The Board members expressed concern that even though Dr. Kroleski stated she never took the medication while she was at work that she may likely have still been influenced by the medication while working and treating patients. She stated she is unaware of any problems or patient complications that occurred during the time she was taking the medication. Dr. Kroleski stated she is now doing very well and is in full compliance with all requirements of her pain management doctor. She said she takes no medications for pain other than over the counter analgesics which her doctor has approved, and that she is still working with physical therapy for additional pain relief.

VI. Review, Discussion and Possible Action on Administrative Matters.

a. Review of complaint investigation procedures.

The Board discussed the current complaint investigation procedures and the current number of open complaints. The Board members agreed to hold a special meeting with Ms. Penttinen and the physician members to review the number of complaints, current status, and how they should be triaged and assigned to investigators. The Board members agreed to meet on September 12, 2014 at noon. Ms. Penttinen will properly notice the meeting once a meeting room has been secured as there will be a quorum of Board members present.

b. Discussion regarding part-time administrative Board staff.

The Board members reviewed with Ms. Penttinen the administrative requirements of processing the complaint investigations such as preparing notification letters and subpoenas as well as copying and preparing the complaint cases for each Board meeting. Ms. Penttinen has requested authorization to hire a part time temporary administrative assistant. She believes that 10-15 hours per week would be sufficient at this time, and she advised that the Board does have the financial capability of supporting this expense at least through the end of the calendar year and likely longer.

MOTION: Ms. Miles moved to approve Ms. Penttinen's request to hire a part time assistant at a Salary of \$12.00 per hour. The hours will be 10-15 per week at Ms. Penttinen's discretion through the end of January 2015. The matter will be placed on the December 2104 Board meeting agenda for a status check. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motions.

VOTE: The motion passed unanimously by voice vote.

c. CME approval request from Kerry Zang, DPM, for Cardiovascular Disease Management Conference. Dr. Kerry Zang has requested CME approval of the annual International Cardiovascular Disease Management Conference to be chaired by Dr. Richard Heuser. The Board members reviewed the conference information provided by Dr. Zang.

MOTION: Dr. Kaplan moved to approve this conference for 2 hours of CME for the areas that specifically apply to podiatry.. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

d. Review of new license applications for the following podiatrists:

Laura Heath
Annie Jong

Marion Lund
Steven Moore

MOTION: Ms. Miles moved to go into Executive Session for the purpose of obtaining a legal advice. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 11:26 a.m.

The Board returned to Regular Session at 11:28 a.m.

MOTION: Ms. Miles moved to deny the application of Dr. Steven Moore based on his previous commission of providing false information in connection with application for licensure. [A.R.S. §32-852(A)(2)] Dr. Leonetti seconded the motion for purpose of discussion.

DISCUSSION: There was discussion regarding the Board having allowed Dr. Moore to withdraw his previous application. Dr. Leonetti stated that action, in his opinion was to prevent Dr. Moore from having a permanent blemish on his record; Dr. Moore did take part in the previous deception but he believes it was prompted by Dr. Bangart's actions. Dr. Leonetti believes Dr. Moore has been punished by not being allowed to practice here for a more extended period of time; he would rather table the matter, tell Dr. Moore that the Board will not approve his application and allow him to withdraw it again. Ms. Miles expressed disagreement with that course of action because she feels he should have waited longer to re-apply. She also believes that the letter which Dr. Moore submitted with this second application demonstrates to her that he still is not taking responsibility for his own actions. Ms. Miles still has concerns that Dr. Moore would not be forthright in the future if he were to encounter a negative patient outcome or complication. Ms. Miles clarified for Dr. Leonetti that she would be willing to grant Dr. Moore a license at some point in the future if she able to demonstrate that he has taken responsibility for his actions regarding the initial falsified application. Ms. Penttinen clarified for Ms. Miles that Dr. Moore did not make any contact with her regarding submission of another application not after he received any documentation from her regarding the correspondence she sent to him. Ms. Miles added that Dr. Moore has not demonstrated that he has taken any action to learn from his errors in judgment or that anything has changed. The Board members expressed agreement with Ms. Miles's comments and concerns.

VOTE: The motion passed unanimously by roll call vote.

MOTION: Dr. Kaplan moved to approve the remaining listed applicants to take the oral licensing exam in December 2014 and to issue their licenses upon successful completion thereof. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

e. Review of license renewal applications for the following podiatrists:

Randy Bernstein
Michael Brewer
Jerome Cohn
Dennis DiMatteo
Erika Huston
Robert Kenrich

Ladislav Kuchar
Paul Ledesma
Kenneth Mitchell
Kara Montes
Kevin O'Brien
Ron Olsen

Sara Otero-Quintero
Jennifer Pappalardo
Jerome Steck
Todd Zang

MOTION: Dr. Kaplan moved to issue a substantive deficiency to Dr. Michael Brewer for failure to submit the late renewal fee. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Leonetti moved to issue a substantive deficiency to Dr. Jerome Steck for failure to complete, or to submit proof of completion of, the minimum required CME. The motion included allowing Dr. Steck an additional 60 days from the date of the substantive deficiency to complete and submit to the Board proof completion of the 11 deficient hours. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Ms. Miles moved to approve the renewal applications of all other doctors listed above. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Leonetti moved to open a complaint case for Dr. Kevin O'Brien based on the malpractice case he disclosed on his renewal application. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

f. Malpractice case report. (None at this time.)

VII. Executive Director's Report – Review, Discussion and Possible Action

a. Open Complaint Status Report.

The Board members reviewed the report which indicates that there are currently 63 open complaints. This includes the cases which were on today's agenda as well as two cases which have been referred to formal hearing. Ms. Penttinen advised that she has drafted the hearing complaints and hearing dates for the Office of Administrative Hearings have been set for the end of October.

VIII. Call To The Public

Patient S.G., who has filed a complaint against Dr. Alan Discont was present but was unable to stay until the Call to the Public. She provided a written statement which Ms. Penttinen read aloud to the Board. The statement is attached hereto and incorporated by reference. There was no Board discussion.

IX. Next Board Meeting Date:

a. October 8, 2014 at 8:30 a.m.

X. Adjournment

MOTION: Dr. Kaplan moved to adjourn the meeting. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the meeting was adjourned at 12:15p.m.